

BRADY BILL BACKGROUND CHECKS

Recent events have once again made "Brady Bill Background Checks" front page news. What can **YOU** do to help BCI's Brady Section perform complete and accurate checks on potential gun buyers? How can **YOU** ensure that unqualified individuals don't purchase a firearm from a licensed dealer?

Most important – we need as much information as possible from all types of criminal justice agencies.

LAW ENFORCEMENT: We need fingerprints! If no fingerprints are attached to a citation or a ten-print card, that offense will not be attached to the individual's Utah criminal history. The offense that you did not get prints for may have been the one that would have kept the unqualified individual from purchasing a firearm.

Also, please let us know if you are citing/arresting a person for a domestic violence charge. Our Brady Section needs to know if the assault (criminal mischief, sexual assault, etc.) was domestic or not. If it was a domestic violence charge and conviction, the individual cannot purchase a gun.

COURTS: We need more information! All too often, particularly in regards to warrants, protective orders, and mental files, there is not enough information to determine if the gun buyer is same person on the warrant (protective order, etc.)

Sometimes all we get is a name on the warrant or protective order! We need the courts to put as much information on there as possible; e.g. name, DOB, SSN, DL, home address, height/weight, etc. This will help us in determining who is who and keeping guns out of the hands of the wrong people. If BCI can't prove the gun buyer is same person listed on the warrant or protective order we have to let the dealer sell the buyer the gun.

It is also important that courts forward complete disposition to BCI as soon as possible. Make sure you are properly using the FTP system so that your dispositions are getting to BCI.

Courts also need to let us know if a conviction involves domestic violence.

Also an inconvenience is warrants and protective orders that are not removed from the statewide warrant system when they are no longer valid. Please recall or cancel all your invalid warrants as soon as possible. If law enforcement has "served" one of your warrants, please take action on that warrant as soon as you know all the details. Does the served warrant need to be recalled or reactivated?

PROSECUTING ATTORNEYS: If you decline to prosecute on a charge, please send the declination information to BCI as soon as possible. If we have the declination information on the rap sheet, we will not need to waste time looking for a conviction that does not exist!

DOMESTIC VIOLENCE: As far as gun laws go, this involves any current or former spouse/cohabitant. It also involves any person with whom the defendant shares a child (children, stepchildren). This is not gender-specific; if it is a same sex couple it is still considered domestic because they have had an intimate relationship. Knowing if an offense is domestic is crucial to our job in providing public safety.

PRIVACY CONCERNS: BCI is a criminal justice agency, and performing a background check on a firearm purchaser is a criminal justice task. If BCI contacts your agency about information on a warrant, protective order, disposition, etc., you must provide that information to us.

If you have privacy and security concerns, you can send us the response in an AM message. Or, you can call us or fax us at our numbers shown on NCICQ0 or NLETSTQ.

ARE YOU A FIREARM BUYER? If you are a firearm buyer, and are legally able to possess a gun, you may have to wait longer than necessary to get possession of the firearm if a criminal justice

agency submitted incomplete information on someone whose name is similar to yours.

While BCI wants to prevent unqualified individuals from purchasing firearms, we also want the firearm purchase to be smooth and hassle-free for qualified individuals! **YOU** can help us to do both!

If we have to allow the purchase because of a lack of information on the buyer, the agency that failed to provide us with the complete information will be held liable in the event that the firearm purchaser commits a crime with the firearm.

TAC CONFERENCE

Ready for the TAC Conference coming up on May 22-24th? We're looking forward to seeing you all!



Don't forget that this year's conference features two panel discussions. One panel features representatives from each of BCI's sections (Brady, Expungements, Firearms, Records, Help Desk, etc.) The other panel features representatives from different types of criminal justice agencies (law enforcement, courts, corrections, attorneys, etc.). Please come prepared with any questions you might have for either of these groups.

Please check the TAC web site for an updated version of the agenda. Changes have been made since it was first published.

The classes and registration on May 22nd are optional, but we encourage you to take advantage of these opportunities! (If you register on May 22 you can sleep in a few more minutes on the 23rd!) Classes on "TAC Fundamentals" and "NCIC Validations" will also be offered on May 22.

A UCCH class is also available on the 22nd – this class will cover how a Utah rap sheet is created, what BCI needs from your agency, how to read a rap sheet, etc.

BCI is providing lunch on the 23rd and breakfast on the 24th.

As in the past, the conference will be at the Sharwan Smith Conference Center at SUU. (<http://www.suu.edu/>)

SELF-AUDITS – ONE OPERATOR AGENCIES

I'M THE ONLY OPERATOR! HOW CAN I AUDIT MYSELF?



Many agencies audited by BCI are cited for not performing internal UCJIS audits. This leaves many one-operator agencies asking, "How can I perform an audit when I'm the only operator?"

There are many things a one-operator agency can do to perform internal audits. The operator should still check dissemination logs to make sure his/her login has not been compromised. (For instance, maybe someone called our Help Desk and pretended to be you, had your PIN and Password changed, and then ran all kinds of things with your logon!)

If another agency has access to your ORI (like a sheriff's office or a dispatch center) make sure they are not misusing your ORI.

Also, make sure you have all of your necessary forms, agreements, and contracts up to date. Have you sent us the yearly signed User Agreement and the ORI Validation form? If you give information to another agency, do you have a current Non-Disclosure Agreement in place with them?

Have all unescorted service personnel (janitors, computer technicians) had their fingerprints sent to BCI for a background check? Have individuals at your agency who see UCJIS information, but don't have actual logons also been background checked?

Have any of the UCJIS policies and procedures changed in the past year? If so, how will these changes effect your agency's daily operations? How is your agency reacting to those changes? Are your internal policies and procedures current and adequate?

Has agency administration been advised of UCJIS issues that will effect your agency's day-to-day operations?

If you give UCJIS information to another agency, has that agency been trained on UCJIS issues, particularly privacy and security?

These are just some of the things you can do to perform an agency audit; even if you are a one-operator agency.

HOW YOU CAN HELP THE MEDICAL EXAMINER'S OFFICE

If you add information to UCCH or NCIC, your agency can assist the Utah Medical Examiner's Office in its duties of identifying bodies, or determining the cause of death when the identity is known. (Or both!)

The ME's office uses information on UCJIS to gather identifying information about the individual, including any habits or addictions the person might have had.

If you add information to UCCH, please let BCI know about all tattoos, scars, birthmarks, etc. Also, let us know about firearm use, assaults, domestic violence and child abuse arrests/convictions. (If the ME is determining a child's cause of death and the parent has a history of assault or child abuse, that can be a clue.)

If making an NCIC entry, include all identifying marks. Just about every person on earth has some sort of birthmark, mole, tattoo, deformity, piercing, or some other distinguishing feature. That mole on the person's little toe may be a major clue in identifying the remains! NCIC entries should also include drug addiction information (type of drug), or any medical histories (depression, diabetes, broken bones, mental health issues, memory problems, pregnancies, prescriptions for health problems, etc.)

If a person has been missing for 60 days NCIC requires the agency to enter Blood Type (BLT); Dental Characteristics (DCH); Fingerprint Classification (FPC); Jewelry Type (JWT); and Scars, Marks, Tattoos, and other characteristics. Remember, BCI is the only agency that can attach dental records to an NCIC entry, so all your agency needs to do is obtain the correct information from the missing person's dental provider. (Contact Gina at 801-965-4686 for more information on dental records.)

LAW ENFORCEMENT PUBLICATIONS * EXCELLENT LINK! *

Please encourage interested parties in your agency to check out this link from the FBI: <http://www.fbi.gov/publications.htm> for FBI publications on a wide range of topics; including terrorism, cyber issues, white collar crime, violent crime, law enforcement services, and UCR/IBR statistics.

UCR/IBR INFORMATION

Attention All NIBRS/UCR agencies:

Don't forget to submit your crime statistics by May 7th! Also, remember to send BCI your supplemental forms (even if you have nothing to report on them). These include:

- o Supplemental Forms:
- o Homicide
- o LEOKA (Law Enforcement Officers Killed/Assaulted)
- o Arson
- o Hate Crime (submit quarterly)

Questions? Contact Mary Ann at macurtis@utah.gov or 801-965-4812. You may also contact Della at driquelme@utah.gov or 801-965-4454

NIBRS QUESTIONS

Recently the following questions were asked concerning offenses in NIBRS:

Gas Skip Cases – A person goes to a self service gas station, fills up their car with gas, then drives off without paying; how would you code this offense? The offense code would be larceny 23H. The property would then be coded as consumable goods – 08.

Runaway - The definition of runaway for NIBRS is "A person under 18 years of age who has left home without the permission of his/her parent(s) or legal guardian. While running away does not constitute a criminal offense, each "handling" of a runaway should be reported." (NIBRS Handbook - Brown cover, page 24.)

But, what constitutes "handling"?

The FBI referred me to NIBRS Handbook (Brown cover) on page 58 where it says "Disposition of Arrestee under 18 (Groups A & B)

"The information to be reported in this category relates to law enforcement disposition of juveniles (age 17 or younger only) who are taken into custody or arrested. An adult is usually held for prosecution for some charge or is released for future handling in court. However, a juvenile, depending on the seriousness of the offense and the offenders prior criminal record, may be warned by the police and released to parents, relatives, friends, or guardians. Juveniles may also be

referred to the probation department or some other branch of the juvenile court: to welfare agencies; to other law enforcement agencies; or in the case of serious offenders, to criminal or adult court by waiver of juvenile court.

The word "arrest" as it applies to juveniles is intended to mean the law enforcement handling of all juveniles (under age 18) who have committed a crime and are taken into custody under such circumstances that, if the juvenile were an adult, an arrest would have been reported. Police "contacts" with juveniles wherein juveniles are taken into custody for their own protection should not be recorded as arrests."

On the next page (page 59) it says "It must be emphasized that only violations by young persons where some police or official action is taken beyond a mere interview, warning, or admonishment should be reported. For example, children playing ball in the street who are instructed by an officer to go to the playground for such activity would not be counted as "arrested." Do not include those situations where young persons have committed no violation but are taken into custody because their welfare is endangered."

So, what does all this mean? It means that if the officer just picks up a juvenile, takes the juvenile home, where no referral is made, then it wouldn't be counted. But if a juvenile is picked up as a runaway, from your jurisdiction, and a referral is made or the parents are called to come and pick up the juvenile, then it would be reported as a Group B offense.

Crime Statistics

BCI has been in the process of verifying the crime counts with agencies throughout the state in preparation for the FBI publication "Crime in the United States" and the BCI Preliminary "2006 Crime in Utah." We appreciate the cooperation of the agencies in helping with this process. Since the cutoff date for submission of data to be included in these publications has passed, we will soon be getting the "Preliminary 2006 Crime in Utah Report" to the agencies for verification. We will be sending out a letter to the Chief Administrator and the UCR/NIBRS Representative with a private web address where you are able to check the statistics that have been submitted by your agency. If, after receiving this web address, you have any

questions, feel free to contact Mary Ann Curtis at 801 965-4812 or macurtis@utah.gov.

Please note that your statistics at your agency may not exactly match what BCI or the FBI have recorded. The main reason for this is that local agency software is considered "live" – it's being updated with the most current information each day, whereas, BCI or the FBI data is not, it is only current as of the last submission of data from the agencies.

MISSING PERSONS

MORE USEFUL WEB SITES

Please take the opportunity to view <http://www.humantrafficking.org/updates> for more information on human trafficking around the world.

Also, for information on Sexual Assault Awareness Month please see www.ncjrs.gov/notices/ovw/saam/addendum.html

EXCELLENT CLASS + POST CREDIT!

BCI is hosting another class on June 15th at POST. Topics include:

- Dental for missing and unidentified persons
- Missing persons statistics
- Federal laws and resources available for law enforcement
- DNA
- NCIC
- AMBER alert and EPA process
- Sex Offender Registry
- Concealed Firearms orientation
- Medical Examiners Office
- CODIS
- DNA

With POST credit hours given to law enforcement!

Don't pass up the opportunity to learn this valuable information straight from the experts!

Contact 801-965-4686 for more information.

FORWARD NEWS ITEMS TO: B.C.I., FIELD SERVICES, 3888 W 5400 S, BOX 148280, SALT LAKE CITY UT 84114-8280

BUREAU OF CRIMINAL I.D.
Ed McConkie, Director
801-965-4571

FIELD SERVICES
Joyce Carter, Manager
801-965-4576

FIELD SERVICES
Jacob Dunn, Supervisor
801-965-4963

EDITOR
Adrienne Sowards
801-965-4497